

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victor Tsu on 09/24/10.

The application has been amended as follows:

Claims 4, 5, 20, 21, 26, 28 and 29 have been cancelled.

Claim 1, line 3, after the phrase "a hydrocolloid, and water;" the phrase "wherein the active agent particles have a gritty texture".

Claim 1, last line, after the phrase "the texture masking oral dosage form", the phrase "and wherein the soft core is pectin or gelatin based" has been inserted.

Claim 15, line 3, after the phrase "a hydrocolloid, and water;" the phrase "wherein the acetaminophen particles have a gritty texture".

Claim 15, last line, after the phrase "the texture masking oral dosage form", the phrase "and wherein the soft core is pectin or gelatin based" has been inserted.

Claim 16, line 3, after the phrase "a hydrocolloid, and water;" the phrase "wherein the ibuprofen particles have a gritty texture".

Claim 16, last line, after the phrase "the texture masking oral dosage form", the phrase "and wherein the soft core is pectin or gelatin based" has been inserted.

The following is an examiner's statement of reasons for allowance:

The closest prior arts, Bealin-Kelly et al. and Buehler et al., do not teach the claimed active agent particles having the claimed particle size and having gritty texture. The cited prior arts further do not teach the pectin or gelatin soft core is molded and shelled with a brittle shell using a soft panning technique. Applicant shows that encasing the soft pectin or gelatin core with the brittle shell having thickness of from about 500  $\mu\text{m}$  to about 3000  $\mu\text{m}$  by using soft panning technique exhibits unexpected result, namely, an oral dosage form that provides a texture masking feature to mask the grittiness of active agent particles contained therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. TRAN whose telephone number is (571) 272-0606. The examiner can normally be reached on M-F 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571) 272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. TRAN/  
Primary Examiner, Art Unit 1615